

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

ROGER J. STONE, JR.,

Defendant.

Criminal No. 19-cr-18-ABJ

**GOVERNMENT’S MOTION FOR LEAVE TO FILE SUR-REPLY IN OPPOSITION
TO DEFENDANT’S MOTION TO SUPPRESS**

The United States of America, by and through Jessie Liu, the United States Attorney for the District of Columbia, hereby submits this Motion for Leave to File a Sur-Reply in Opposition to Defendant Roger Stone’s Motion to Suppress.

ARGUMENT

On January 24, 2019, the grand jury charged defendant Roger J. Stone, Jr. with obstructing a congressional investigation in violation of 18 U.S.C. § 1505 (count 1); making numerous false statements to Congress in violation of 18 U.S.C. § 1001(a)(2) (counts 2-6); and witness tampering in violation of 18 U.S.C. § 1512(b)(1) (count 7). Doc. 1.

On April 10, 2019, the defendant filed a motion seeking to suppress “all evidence” in his case, alleging that law enforcement misrepresented facts concerning whether individuals associated with the Russian government hacked the Democratic National Committee, Democratic Congressional Campaign Committee, and a Clinton Campaign official. Doc. 100, at 4. On May 31, 2019, the government filed its opposition to the defendant’s motion. Doc. 122. On June 14, 2019, the defendant filed a reply in further support of his motion making a new factual claim that the government did not “collect[] any evidence of the DNC breach directly” or “independently

verify” the findings of Company 1 regarding Russia’s involvement in the hack of DNC computer system. Doc. 133, at 4. As a matter of prudence, the government respectfully requests leave to file the attached reply addressing the defendant’s factual misstatement.

WHEREFORE, for the reasons stated above, the United States respectfully requests that its Motion for Leave to File a Sur-Reply in Opposition to Defendant's Motion to Suppress be granted.

Respectfully submitted,

JESSIE K. LIU
U.S. Attorney for the District of Columbia

By: /s/
Jonathan Kravis
Michael J. Marando
Assistant United States Attorneys

Adam C. Jed
Aaron S.J. Zelinsky
Special Assistant United States Attorneys
555 4th Street NW
Washington, D.C. 20530

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ORDER

Upon consideration of the Government's Motion for Leave to File a Sur-Reply in Opposition to Defendant's Motion to Suppress, it is this _____ day of June, 2019, hereby

ORDERED, that the Motion is GRANTED; it is further

ORDERED, that the Government may file its Sur-Reply in Opposition to Defendant's Motion to Suppress.

IT IS SO ORDERED.

AMY B. JACKSON
U.S. DISTRICT COURT JUDGE
DISTRICT OF COLUMBIA

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GOVERNMENT’S SUR-REPLY TO DEFENDANT’S MOTION TO SUPPRESS

The Government files this sur-reply to correct a misstatement in the defendant’s Reply to Government’s Opposition to Motion to Suppress. Stone asserts that the government did not “collect[] any evidence of the DNC breach directly” or “independently verify” the findings of Company 1 about Russia’s involvement in the hack of DNC computer systems. Doc. 133, at 4; *see is.* at 2-4, 11. That statement is incorrect. The investigation that led to the indictment in *United States v. Netyksho*, No. 18-cr-215 (D.D.C.), gathered evidence showing that GRU officers hacked the DNC systems (as well as the DCCC and email accounts of people working for the presidential campaign of Hillary Clinton), published hacked information pseudonymously, and transferred stolen data to Organization 1. *See generally* Indictment, *Netyksho*, *supra* (Doc. 1). As the government has argued (Doc. 122, at 6, 9, 14), Russia’s role in the DNC hack is not material to the eighteen findings of probable cause that Stone appears to be challenging. Nor does it bear on the charges at issue in this case—making false statements to Congress, obstruction of Congress, and witness tampering. *See* Doc. 93, at 9 n.1; Doc. 94, at 6-7.* The government therefore has not produced in discovery to Stone all of the evidence gathered in the *Netyksho* investigation. The

* The government intends to file a motion in limine on this topic.

government produced the CrowdStrike reports because the Indictment in this case referenced, as background, CrowdStrike's statements about the DNC hack. Stone's statement that the government has no other evidence is not only irrelevant to this proceeding but is also mistaken. The government accordingly wishes to correct any misimpression.

Respectfully submitted,

JESSIE K. LIU
U.S. Attorney for the District of Columbia

By: /s/
Jonathan Kravis
Michael J. Marando
Assistant United States Attorneys

Adam C. Jed
Aaron S.J. Zelinsky
Special Assistant United States Attorney
555 4th Street NW
Washington, D.C. 20530